

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE APPLICATION)	
OF ATLANTIC BROADBAND (DELMAR) LLC)	
FOR THE COMMENCEMENT OF PROCEEDINGS)	
PURSUANT TO 47 U.S.C. § 546 REGARDING)	
THE RENEWAL OF THE CABLE TELEVISION)	PSC DOCKET NO. 18-0062
FRANCHISE TO SERVE CERTAIN)	
UNINCORPORATED AREAS OF KENT AND)	
NEW CASTLE COUNTIES, DELAWARE)	
(FILED JANUARY 25, 2018))	

ORDER NO. 9192

AND NOW, this 13th day of March, 2018, the Delaware Public Service Commission (the "Commission") determines and orders the following:

WHEREAS, Atlantic Broadband (Delmar) LLC. ("Atlantic Broadband" or "cable operator") is the current holder of a fifteen year cable television franchise issued by the Commission in November, 2005 (the "Franchise") to provide cable television service in certain unincorporated areas of Kent and New Castle Counties, Delaware (the "Franchise Territory").¹ The Franchise is set to expire on August 29, 2020, but includes a provision granting Atlantic Broadband an option to request renewal for an additional period not to exceed 15 years; and

WHEREAS, on January 25, 2018, Atlantic Broadband filed a letter with the Commission timely² invoking the formal, multi-step process for renewing the Franchise pursuant to Section 626 of the Cable Communications Policy Act of 1984 (47 U.S.C. § 546(a) - (d)) (the "Application"). The Application

¹ See PSC Order 6776 (November 22, 2005).

² 47 U.S.C. § 546(a) requires cable franchise renewal procedures be invoked "... during the 6-month period which begins with the 36th month before the franchise expiration . . .", or approximately three years prior to the Franchise expiration date.

PSC Docket No. 18-0062, Order No. 9192

also states Atlantic Broadband's willingness to proceed with the Application on an informal basis pursuant to 47 U.S.C. § 546(h); and

WHEREAS, the Commission has authority to consider renewal of the Franchise pursuant to 47 U.S.C. § 546(a)-(i) and 26 Del. C. § 604(4).

NOW, THEREFORE, BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS, IT IS ORDERED THAT:

1. This docket is opened for the Commission's consideration of the possible renewal of the Franchise.

2. Mark Lawrence is designated as Hearing Examiner for this matter pursuant to 26 Del. C. § 502 to conduct two evening public comment sessions at appropriate locations within the Franchise Territory and with appropriate notice and the opportunity for public participation consistent with 47 U.S.C. § 546(a) for the purpose of (a) identifying the future cable-related community needs and interests; and (b) reviewing the performance of the cable operator under the Franchise during the current Franchise term.

3. Interested persons or entities may submit written comments or objections to the Application by filing such comments with the Commission **on or before August 15, 2018**. Any written comments received after August 15, 2018 will not be considered without good cause.

4. As part of his duties as Hearing Examiner in this matter, Mr. Lawrence is further designated authority to grant or deny any petitions for intervention. Pursuant to 26 Del. Admin C. § 1001-2.9, the deadline for filing Petitions for Intervention shall be **April 30, 2018**. Petitions

PSC Docket No. 18-0062, Order No. 9192

for Intervention filed after April 30, 2018 will not be considered without good cause. Copies of all Petitions for Intervention must be served on:

Mark Lawrence
Hearing Examiner
Delaware Public Service Commission
861 Silver Lake Boulevard
Suite 101
Dover, DE 19904
RE: Docket No. 18-0062
Mark.lawrence@state.de.us

Robert Willard, Esq.
Deputy Attorney General
Delaware Public Service Commission
861 Silver Lake Boulevard
Suite 101
Dover, DE 19904
RE: Docket No. 18-0062
Robert.Willard@state.de.us

Amy Woodward
Public Utility Analyst
Delaware Public Service Commission
861 Silver Lake Boulevard
Suite 101
Dover, DE 19904
RE: Docket No. 18-0062
amy.woodward@state.de.us

5. Pursuant to 26 Del. C. § 102A(2), Atlantic Broadband shall provide public notice of the Application, this Order, the deadline for filing any petitions for intervention, the deadline and directions for submitting any written comments and any other relevant dates for this matter by publishing a copy of the Notice, in the form attached hereto as **Exhibit "A"** (the "Notice") in the following publications: (a) Delaware State News and (b) The News Journal, on or before March 30, 2018. Atlantic Broadband shall file proof of publication of such notice with the Commission **on or before April 30, 2018.**

6. Atlantic Broadband may submit a proposal for renewal of the Franchise to the Commission pursuant to 47 U.S.C. § 546(h) on or before

PSC Docket No. 18-0062, Order No. 9192

December 31, 2018. If timely filed, Commission Staff will review and provide their analysis of the proposal to the Hearing Examiner.

7. Following completion of both public comment sessions, the expiration of the period for submission of written comments and receipt, if filed, of Atlantic Broadband's proposal for renewal of the Franchise pursuant to 47 U.S.C. § 546(h), Mr. Lawrence shall prepare and file a report (i) detailing attendance at the public comment sessions and summarizing all oral and written comments timely received; and (ii) recommending either that the Commission grant or deny the Application pursuant to 47 U.S.C. § 546(h) and the reasons therefor, or in the alternative, the scheduling and completion of a full evidentiary hearing on the Application pursuant to 47 U.S.C. § 546(a)-(g).

8. Atlantic Broadband is hereby advised that it will be charged with, and be required to pay, all costs related to this proceeding up to the maximum permitted pursuant to 26 Del. C. § 610.

9. The Commission reserves the jurisdiction and authority to enter such other or further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Chair

PSC Docket No. 18-0062, Order No. 9192

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary

"EXHIBIT A"

**BEFORE THE PUBLIC SERVICE COMMISSION
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THE RENEWAL OF THE CABLE TELEVISION) PSC DOCKET NO. 18-0062
FRANCHISE TO SERVE CERTAIN)
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NEW CASTLE COUNTIES, DELAWARE)
(FILED JANUARY 25, 2018))

**PUBLIC NOTICE OF APPLICATION OF ATLANTIC BROADBAND LLC
FOR RENEWAL OF CABLE TELEVISION FRANCHISE**

TO: ALL CUSTOMERS OF ATLANTIC BROADBAND (DELMAR) LLC:

On January 25, 2018, Atlantic Broadband (Delmar) LLC ("Atlantic Broadband") filed an application (the "Application") with the Delaware Public Service Commission (the "Commission"), seeking renewal of its current cable television franchise (the "Franchise") serving unincorporated areas of Kent and New Castle Counties, Delaware (the "Franchise Territory").

On March 13, 2018, the Commission entered an order to, among other things, open a docket for consideration of the Application and direct completion of two public comment sessions for the purpose of: a) identifying the future cable-related community needs and interests; and (b) reviewing the performance of the cable operator under the Franchise during the current Franchise term.

The Commission will hold two separate public comment sessions on the Application at a date and time to be determined. Separate notice of the

public comment sessions will be published in this newspaper and will be posted on the Commission's website at <http://depssc.delaware.gov/>.

Anyone planning to attend either public comment session should consult the Commission's website prior to either event for any changes or cancellation in the time, location or date.

Interested persons or entities may file written comments or objections to the Application. Any written comments must be sent to the Commission at the following address:

Public Service Commission
861 Silver Lake Blvd.
Cannon Bldg., Suite 100
Dover, DE 19904
Attn: PSC Docket No. 18-0062

Written comments may also be sent electronically to psc@state.de.us and should include "PSC Docket No. 18-0062" in the subject line. Such written comments or objections must be filed with the Commission **on or before August 15, 2018**. Any written comments received after August 15, 2018 will not be considered without good cause.

The Commission will hold a public evidentiary hearing (the "Evidentiary Hearing") on the Application during the Commission's regularly scheduled meeting at its Dover Office at a date and time to be determined.

If you wish to formally participate as a party in this matter with the right to present evidence at the Evidentiary Hearing, you must file with the Commission a written petition requesting leave to intervene ("Petitions For Intervention") in accordance with the requirements of 26 Del. Admin. C. §1001-2.9 of the Commission's Rules of Practice and Procedure **on or before Monday, April 30, 2018**. Petitions For Intervention received

after April 30, 2018 will not be considered without good cause. Copies of all Petitions for Intervention and any related documents must be sent to:

Mark Lawrence
Hearing Examiner
Delaware Public Service Commission
861 Silver Lake Boulevard
Suite 101
Dover, DE 19904
RE: Docket No. 18-0062
Mark.Lawrence@state.de.us

Robert Willard, Esq.
Deputy Attorney General
Delaware Public Service Commission
861 Silver Lake Boulevard
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RE: Docket No. 18-0062
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Amy Woodward
Public Utility Analyst
Delaware Public Service Commission
861 Silver Lake Boulevard
Suite 101
Dover, DE 19904
RE: Docket No. 18-0062
amy.woodward@state.de.us

You are invited to review the Application and supporting documents to determine whether your interests may be affected. You may review the Application and supporting material in person at the Commission's Dover office or on the Commission's website <https://delafile.delaware.gov/Login.aspx> for DelaFile, its electronic filing system. Under Search Docket # insert 18-0062. You may also review the Application and supporting documents at the office of the Division of the Public Advocate located at the Carvel State Office Building, 4th Floor, 820 North French Street, Wilmington, Delaware 19801 or 29 South State Street, Dover, De. 19904. Please call (302) 577-5077 for the Wilmington Office or (302) 241-2555 for the Dover Office or 1-888-607-2427 to arrange a time to review the documents at that location.

If you have a disability and wish to participate or to review the materials in this matter, please contact the Commission to discuss any auxiliary aids or services you might need to help you. You may contact the Commission in person, by writing, by telephone (including text telephone) or by e-mail.

If you have questions about this matter, you may call the Commission at 1-800-282-8574 (toll-free in Delaware) or (302) 736-7500 (voice and text telephone). You may also send questions regarding this matter by e-mail addressed to psc@state.de.us and include "PSC Docket No. 18-0062" in the subject line.